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UNCLAS SECTION 01 OF 16 ASTANA 000614

SIPDIS

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PREL, KZ

SUBJECT: KAZAKHSTAN SUBMISSIONS FOR 2007 TIP REPORT

REF: 06 STATE 202745

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¶1. SUMMARY: Post is pleased to submit the following information in response to reftel request.

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OVERVIEW (PARA. 27)  
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¶2. (SBU) (27A) Kazakhstan is a destination, transit, and source country for people trafficked for the purposes of forced labor and sexual exploitation. Kazakhstan serves as destination country for young and middle-age men trafficked for labor purposes from neighbouring countries, primarily Uzbekistan, but also Kyrgyzstan, Tajikistan, and sometimes from other Commonwealth of Independent States (CIS) countries.

¶3. (SBU) (27A) Kazakhstan is a destination country for young women trafficked for sexual exploitation from neighbouring countries, mainly Uzbekistan and Kyrgyzstan. According to data provided by the International Organization for Migration (IOM), in 2006, 34 female and 26 male victims from Uzbekistan, and one male from Ukraine via Russia were trafficked to Kazakhstan. In some cases, the victims suffered from both sexual and labor exploitation. There were also cases of sexually exploited victims or (more rarely) forced laborers were involved in other criminal activities organized by their traffickers (pick pocketing, drug dealing, etc.)

¶4. (SBU) (27A) Kazakhstan serves as transit country for victims recruited in neighbouring countries, mainly Uzbekistan, Kyrgyzstan, and Tajikistan and transported through Kazakhstan to Russia for either sexual or labor exploitation or to the Middle East for sexual exploitation. Transit includes from Uzbekistan by land to South Kazakhstan, from South Kazakhstan by air to United Arab Emirates; from Tajikistan by land to Kazakhstan, from Kazakhstan to Russia.

¶5. (SBU) (27A) Kazakhstan also serves as a country of origin for male and female victims trafficked to

Russia for labor and sexual exploitation and young women recruited in Kazakhstan and trafficked to Turkey, UAE, Greece, and Israel for sexual exploitation. According to IOM, in 2006 one female from Kazakhstan was trafficked to Turkey, three females to Thailand, and seven to the UAE (four of them transiting via Kyrgyzstan, and one of them via Azerbaijan). One female was trafficked from Kazakhstan to Germany, two females and one male victim to Russia, and one female to Uzbekistan.

16. (SBU) (27A) IOM registered 24 female victims and one male victim of in-country trafficking in 2006. Over the reporting period IOM provided assistance to 104 people who requested assistance because of trafficking concerns (75 female and 29 male). IOM registered and monitored each trafficking case reported to IOM by the victims, their families, police, or through hotlines within and outside of Kazakhstan.

17. (SBU) (27A) Compared to previous years, international experts reported a slight decrease in the number of cases of citizens being trafficked abroad for sexual or labor exploitation and an increase in labor trafficking into and within the country. Experts believed the economic growth of the country, especially in relation to its neighbours, contributed directly to both trends. Similarly, the relative economic prosperity in the capital Astana, the largest city Almaty, and the western oil field cities of Aktau and Atyrau, has drawn job-seeking Kazakhstanis from rural villages, some of whom become victims of labor trafficking within the construction industry. Open borders between Kazakhstan and other CIS countries, growth of migration flows between

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neighbouring countries and within Kazakhstan, and globalization of organized crime create bigger opportunities for criminals to establish reliable routes for smuggling human beings.

18. (SBU) (27A) Socioeconomic conditions, rather than ethnic patterns, are the most common indicator for trafficking risk groups within Kazakhstan. The analysis shows that women in the age group from 16 to 25 are most vulnerable to being trafficked for sexual exploitation; men in the age group from 20 to 35 and teenage boys aged 14-19, mainly from Central Asian countries, comprise the majority of victims of trafficking for labor exploitation. Labor trafficking is primarily focused on providing workers for the construction business and agriculture. Adolescents raised in orphanages, or in the families of alcoholics and drug abusers, regardless of gender, were particularly vulnerable to being trafficked due to a lack of a solid support network. Illegal migrant laborers were also at high risk of becoming victims of trafficking.

19. (SBU) (27 A&B) Small trafficking rings, often involving employment and travel agencies, facilitated trafficking of individuals out of Kazakhstan. There were multiple cases involving small trafficking rings consisting of recruiters located in Kazakhstan, some of whom were former victims of sex trafficking, linked to brothel operators located in the destination country. In several of these cases, the traffickers had family ties and exploited those outside the family group. Domestic NGOs reported some instances in which sexual exploitation and domestic labor traffickers victimized their own family members, usually teenaged girls. In the majority of cases, the victims were offered lucrative jobs through close relatives or friends and in some rare cases were sold by their

mothers who were usually alcoholics. Traffickers often escorted the victim or the group of victims and assisted them in crossing the border. After crossing the border, traffickers pass the recruited individual or group to an intermediary who escorted the victims to the exploiters.

¶10. (SBU) (27 A&B) False documents were often used to move the victims, from Kazakhstan to the UAE or Israel. On routes from Kazakhstan to Turkey or Russia, victims were trafficked under valid documents. However, after crossing the border or upon arrival at the destination, the exploiters took the victims' identity and travel documents. Labor traffickers commonly held victims' identity documents and strictly controlled their movements, provided substandard communal housing and meals, and isolated the victims to prevent discovery. To move victims to Kazakhstan, traffickers often used the porousness of the borders especially those between Kazakhstan and Uzbekistan. In some cases, victims did not have any documents at all when they crossed the border under the traffickers' escort. Agricultural and construction laborers often began working under the false belief that the trafficker was a legitimate employer. IOM and NGOs reported that it was common practice for exploitative employers to withhold payment of wages until the end of a project, paying less than what had been agreed, if at all.

¶11. (SBU) (27B&C) Over the past several years, the government has shown the political will to address trafficking in persons from all angles - as a law enforcement challenge, as a social protection issue, as a labor issue, and as a component of the country's international relations. However, lack of practical experience in dealing with TIP cases, unwillingness of victims to cooperate with law enforcement due to security reasons, as well as the transnational nature of the crime and the attendant complex and time-consuming investigation make it difficult to address this problem.

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¶12. (SBU) (27B&C) President Nazarbayev signed a new law amending existing TIP legislation on March 2, 2006. It addressed the most serious limitations to the government's ability to address trafficking. The legislation covers serious legislative gaps that impeded the pace of Kazakhstan's progress, most significantly in terms of law enforcement and prosecution efforts. Overall, corruption remains a problem; it affects anti-TIP efforts as well as other law enforcement efforts. Law enforcement authorities uncovered 33 percent more corruption related crimes in 2006 than in 2005.

¶13. (SBU) (27B&C) Although most of the anti-TIP training provided by international experts was funded by other sources, the Government of Kazakhstan (the Government) demonstrated a consistent commitment to devoting law enforcement, Procuratorial, labor, education, information, and social welfare personnel and other resources to address the problem of trafficking in persons.

¶14. (SBU) (27D) In 2006, the Government developed a procedure to collect and track data on crimes, including those related to human trafficking, that allows users to systematically monitor its anti-trafficking efforts. The Procurator General's Office (PGO) maintains an integrated card catalogue of adjudications and the Integrated Unified Statistical System (IUSS) in which statistical data is stored.

¶15. (SBU) (27D) In order to further improve information support to law enforcement and other public authorities, the Statistics Committee of the PGO created a new computer based Information Service system, which allows all concerned public agencies to have on-line access to the Committee's crime databases beginning in the first quarter of 2007. In addition, the Government is discussing the possibility of establishing a separate information data section, where the information on human trafficking would be extractable from the Committee's database. Remote access to the data would be provided to those supervising the investigative compliance, detective force compliance, and criminal trial compliance departments, as well as to the internal affairs and national security agencies.

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PREVENTION (PARA. 28)  
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¶16. (SBU) (28A&B) The Government acknowledges that trafficking is a problem in Kazakhstan, and is taking steps to address it. The Ministry of Justice (MOJ) is the lead agency in coordinating anti-TIP efforts in the government. An interagency TIP Working Group (the "Working Group") led by the Minister of Justice (MOJ), includes representatives of the Ministries of Internal Affairs (MVD); Foreign Affairs (MFA); Labor and Social Welfare (MOL); Education and Science (MOES); and Culture and Information (MCI). Also represented are the Committee for National Security (KNB), which supervises the Border Guards; the office of the Procurator General (PGO); and the National Commission on Family and Gender Policy. All of these ministries and agencies have responsibilities for combating trafficking.

¶17. (SBU) (28C) Previous trafficking prevention campaigns have resulted in increased overall awareness of the issue, especially in the media (see para. 73). In 2006, as a result of the active engagement of the Government, NGOs, IOs and diplomatic missions with the editorial boards of newspapers, information agencies and national TV and radio companies, electronic mass media published 800 stories and videos concerning TIP; over 1,000 articles were published in the national newspapers; regional newspapers published

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approximately 900 articles. Newspaper articles totalled about 677 printed pages.

¶18. (SBU) (28C) In addition, the MOES prepared the second and third volumes of a periodical summary report on implementing the Convention on the Rights of the Child in Kazakhstan, which discusses further strengthening of the fight against illicit trafficking in minors. This report has been posted on the MOES web-site and published in the national journal Zhastar.

¶19. (SBU) (28C) Furthermore, Procurators from the capital city, Astana, provided a thorough analysis of relevant TIP laws and potential punishments for committing the crime of trafficking in a weekly television news program called Hard Talk. Almaty Procurators also explained on TV the liabilities and potential punishment for illicit human trafficking.

¶20. (SBU) (28C) Law enforcement officials also met with community groups to discuss TIP. For example, authorities conducted a series of presentations at selected educational institutions and universities to discuss the protection of victims' constitutional rights in the context of trafficking in people,

preventive measures aimed at curbing trafficking, and criminal code provisions related to liability for trafficking.

¶21. (SBU) (28C) IOM's multiyear educational campaign, financed through a grant from USAID, is linked to a network of hotlines staffed by TIP NGOs that provide information for those contemplating working abroad and assistance for trafficking victims and their families. Through a project "Combating Trafficking in Persons in Central Asia" funded by USAID, partner NGOs operating the hotlines were trained by IOM. During the period from January 1 through December 31 the 12 hotlines throughout Kazakhstan received 9,059 calls. 131 people with concerns about trafficking were assisted.

¶22. (SBU) (28C) Within Post's INL funded anti-TIP program, IOM developed and distributed almost 4,500 pieces of informational materials (TIP guidelines, posters, notepads, and plastic cards) and paraphernalia (t-shirts, coffee/tea mugs) containing counter-trafficking information. INL and IOM disseminated this material among the divisions of law enforcement agencies in the cities and oblasts of Kazakhstan, to participants of all anti-TIP training sessions conducted by IOM, including those conducted in the MVD Legal Institute in Karaganda where future MVD lawyer-officers are trained.

¶23. (SBU) (28D) The government recognizes that its relative economic prosperity, especially in relation to its neighbours, contributes to increased in-trafficking. During the first ten months of 2006, 1,665,848 foreigners visited Kazakhstan. Migration authorities found 80,141 individuals had committed administrative violations, which could include failing to register visas, while 63,689 individuals were found in violation of various other migration rules. 10,952 individuals were deported from the country. In order to control labor migration and protect the domestic labor market, the Government established annual quotas for foreign labor, which are designed to limit and properly distribute foreign labor based on the market situation and the economic demand for skilled labor. According to local MOL officials, about 33,200 foreign specialists were working in Kazakhstan within the labor quota as of January 1, 2007.

¶24. (SBU) (28D) In 2006 as a result of a now expired one-time law on the amnesty of illegal migrants, 144,227 labor migrants were legalized. The migrants came from Uzbekistan (71.5%), Kyrgyzstan (14%), Russia (6.7%), Tajikistan (2.9%), and other countries (4.7%). The bulk of the legalized labor immigrants work in the

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civil construction sector (99,858 persons); 19,632 in the services sector; 13,082 in the agricultural sector; 4,668 in other sectors of the economy; and 6,110 in the informal market sector (domestic service). Over one third of those legalized were 30 to 45 years old.

¶25. (SBU) (28E) The Government of Kazakhstan cooperated with IOM, the OSCE, domestic NGOs and foreign embassies in anti-TIP efforts. The following examples demonstrate the cooperation.

¶26. (SBU) (28E) 17 Uzbek victims of trafficking were rescued in August because of joint efforts of IOM, a local NGO, and the Anti-Organized Crime Unit of the West Kazakhstan Transportation Police Department in Aktobe. (Note: Uzbekistani police and NGOs also cooperated in prosecution of this case. End note.) The criminal case was initiated by the police in August 2006 and the court hearings began in late December. Interested individuals, including some



observing the court hearings, wore T-shirts with the logo "Stop Trafficking in People" which were produced by IOM through an INL grant to increase public awareness of the crime of trafficking. The case was widely publicized and the t-shirt wearing participants were even shown on national television. IOM and its partner NGO in Aktobe have been providing medical, psychological and legal assistance to the victims.

¶27. (SBU) (28E) In mid-December the same West Kazakhstan Transportation Police department referred three women rescued from a clandestine brothel to an IOM NGO partner in Aktau. IOM reported to EmbOffs that they always receive strong support and cooperation in trafficking cases from the police department in Aktobe.

¶28. (SBU) (28E) In November the South Kazakhstan Oblast Police Department referred four victims who had been trafficked from Uzbekistan to Kazakhstan to IOM's NGO partner in Shymkent.

¶29. (SBU) (28E) Two Uzbek victims of labor exploitation were rescued by the police in Astana in May. The case was detected by an NGO partner in Nukus, Uzbekistan and referred to an NGO in Astana. As a result of the close cooperation, the victims were rescued by the police and the NGO, and temporary accommodation was arranged by IOM for the period of investigation.

¶30. (SBU) (28E) In addition, the Government actively participated in all counter-trafficking events organized by foreign embassies, international organizations and domestic NGOs. During the reporting period, 90 police and migration police officers and judges received training under an IOM program funded by Post's INL program. The Kazakhstani Government supported public training sessions provided by domestic NGOs to schools, colleges, youth clubs, penal colonies, summer camps, polyclinics, etc. Between April 1 and December 31, an IOM program funded by USAID trained 8,294 people.

¶31. (SBU) (28F) Border monitoring has not been widely utilized in anti-trafficking efforts to date, in part due to the challenges the country faces in securing land borders of more than 12,000 km, in addition to almost 1900 km of Caspian Sea coastline. Population density along Kazakhstan's borders is relatively low, making it difficult to detect illicit migration without advanced technology or a large border force.

¶32. (SBU) (28F) Through its training center, the Border Guard Service offers training for passport control officers assigned to the 150 official points of entry. The Ministry of Internal Affairs and the Migration Police acknowledge that capacity for TIP border screening is limited, with resources prioritized for detection of WMD materials, terrorists, narcotics and dangerous contraband. Notwithstanding resource and other challenges, the Government required that the Border Guards and the Migration Police, which are separate law enforcement entities under the KNB and MVD respectively, develop a

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plan to collect and analyze data related to trafficking as well as forms of irregular migration.

¶33. (SBU) (28F) In 2006 the KNB and MVD continued installation of a unified information system called Berkut which will allow them to control those entering and exiting the country, and over resident foreigners. To identify illegal migration routes, Border Guard and Customs authorities developed a joint program named "Migrant" at border-crossings and railway stations to screen international passenger trains and check foreigners detained for illegal entry into Kazakhstan. "Migrant" has now become a regular detection and prevention operation focusing at supervising compliance

with the Guidelines for Foreigners Residing in Kazakhstan, and detection and prosecution of illegal migration.

¶34. (SBU) (28F) A joint operation was conducted from May 20 through June 5, 2006, by member-countries of the Collective Security Treaty Organization (CSTO) aimed at detecting and closing illegal migration routes and at curbing transnational organized crime along the most active migration routes for foreigners travelling from third countries to the CSTO member-countries. Per the 2006 Action Plan of the Ministry of Internal Affairs, an ad-hoc headquarters was established to counteract illegal migration in the village of Kordai, Zhambyl Region, from June 5 through September 18, 2006.

¶35. (SBU) (28F) Additionally, during patrol inspections conducted in residential areas of the city of Ust Kamenogorsk, about 70 Uzbek citizens were found working illegally. Just one patrol inspection carried out in the South Kazakhstan Region found over 500 Uzbek citizens working illegally. These facts are not isolated incidents; illegal workers are found in all parts of the country. In 2006, the Government detected 842 employers having a total of 2148 illegal labor migrants.

¶36. (SBU) (28F) TIP detection operations conducted in 2006 resulted in the discovery and closure of four international illegal migration routes; opening and prosecution of three criminal cases under Article 330-2 of the Criminal Code (Organizing Illegal Migration); and detention of 620 illegal migrants. Of these, the authorities brought charges under the Administrative Code against 548 individuals; 513 were deported and 24 foreigners were denied entry to the country. In addition, the Committee for National Security conducted 18 pre-emptive operations in 2006 to forestall illegal border transit by residents of border regions and disrupt the organization of illegal migration routes.

¶37. (SBU) (28G) Agencies and ministries coordinate anti-trafficking efforts through the Working Group (see para.16), in addition to well-established protocols for general interagency cooperation. The MVD and PGO work together on a regular basis to investigate trafficking cases, and the MCIS and the MOJ cooperate to produce trafficking education publications. The Minister of Justice, Zagipa Baliyeva, serves as the Trafficking Coordinator within the GOK, and she delegates day-to-day monitoring of TIP efforts to Elvira Azimova, Head of the International Law Department within the MOJ. The Government also has an anti-corruption task force in place.

¶38. (SBU) (28H) In April the Government approved a National Plan of Action to Combat Trafficking in Persons ("National Plan") for 2006-2008 that was drafted by the MOJ with input from members of the Working Group and other stakeholders and interested parties, including the USG. The National Plan includes revision of laws and regulations, introduction of TIP training courses into training

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curricula, development of mechanisms for social rehabilitation of trafficking victims, creation of crisis centers etc. The National Plan provides financial assistance to Kazakhstani citizens who were illegally trafficked to foreign countries and who became victims of trafficking, as well as those who became victims of other crimes and who appeared to be in force majeure circumstances abroad. The plan was

disseminated through oblast administrations. Post notes that the GOK is working to fulfill most Plan elements.

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INVESTIGATION AND PROSECUTION OF TRAFFICKERS (PARA 29)  
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¶39. (SBU) (29A) A new law, "Changes and Amendments to Legislation on Human Trafficking" was enacted March 2, 2006. Changes were made to the Criminal Code, Criminal Procedural Code, Administrative Code, and the Decree of the President having the force of law on foreign citizens. The new changes brought national legislation into accordance with the provisions of Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime. The new law covers both internal and transnational forms of trafficking.

¶40. (SBU) (29A) The most significant change to existing legislation was the strengthening of victim protection and clarification and strengthening of penalties for trafficking crimes. The Parliament and Government amended the criminal code to expand the actions that constituted trafficking to include not only recruitment of victims, but also sale, purchase, transportation, and transfer of victims. Any act facilitating trafficking by hiding or lodging trafficked persons, or undertaking any other commercial transaction that contributed to exploitation, was also prohibited.

¶41. (SBU) (29A) As a result, where a conviction under old Article 128 of Criminal Code "Recruitment of or facilitating movement of individuals out of or through the country for the purpose of exploitation" was punishable by a fine and up to eight years in prison, a conviction under new Article 128 of Criminal Code "Human Trafficking" is punishable by a fine and up to 15 years in prison and possible confiscation of assets.

¶42. (SBU) (29A, B & C) In addition to Article 128 noted above, the government investigates and prosecutes traffickers under other articles of the criminal code. Specifically, charges are brought under:

- a) Article 113 (forced removal of human organs and tissues), punishable by five - ten years of imprisonment with possible employment/activity restrictions for up to an additional three years;
- b) Article 125 (Kidnapping), punishable by ten - 15 years in prison;
- c) Article 126 (Illegal deprivation of freedom, other than kidnapping), punishable by five - ten years in prison;
- d) Article 133 (Trafficking in minors), punishable by 5-15 years in prison (Note: Previously trafficking in minors was punishable by two to 15 years in prison. End note.);
- e) Article 270 (Facilitation of prostitution or recruitment of an individual into prostitution), punishable by a fine and by three - seven years in prison;

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- f) Article 271 (Establishment or managing brothels or acting as a pimp), punishable by a fine and up to five



years in prison;

g) Article 330 (Intentional illegal migration into the country, (other than as a trafficking victim), punishable by a fine and up to five years in prison; and

h) Article 330-3 (Repeated violations of regulations for importation and employment of foreign labor), punishable by a fine and up to one year in prison.

i) A new Article 275-1 was inserted into the Criminal Code (Illegal removal of human organs and tissues from a human corpse), and violations are punishable by five to seven years in prison and the possibility of up to three years of employment/activity restriction.

j) An amendment to Article 399 of the Administrative Code prohibits the use of deceptive advertising to recruit citizens of Kazakhstan to work abroad.

k) Amended Article 56 of the same law provides for immediate suspension of deportation proceedings where a potential deportee alleges that he or she has been the victim of a serious crime, including trafficking crimes. Deportation proceedings will not proceed until criminal investigations and prosecutions are completed. However, in order for an illegal immigrant to be considered a victim of a serious crime, law enforcement authorities must initiate a case against the purported assailant on the basis of an alleged crime. Often in practice, authorities do not initiate a criminal case due to lack of evidence, corruption, or other reasons. Therefore, frequently the immigrant cannot be considered a victim and becomes liable for prosecution or deportation.

l) However, under the amended Article 396 of the Administrative Code, trafficking victims are exempted from definitions of illegal immigrants.

m) Accordingly, the presidential decree on the legal status of foreign citizens was amended to classify foreign victims of trafficking as protected under the law and to accord them special temporary residence rights.

Post's analysis finds that all these articles taken together are adequate to cover the full scope of trafficking in persons.

¶43. (SBU) (29D) A rape conviction carries a sentence of three to 15 years in prison, depending on the age of the victim and the combination of charges filed. Under Criminal Code Article 120, a conviction for rape is punishable by three - five years in prison. A conviction for sexual violence under criminal code Article 121 is also punishable by three - five years in prison. Per Criminal Code Article 122, the penalty for sexual relations with a person under 16 is up to five years in prison. A separate conviction for battery, including sexual battery, can lead to up to an additional eight years in jail and a fine. By comparison, the prison term for violations of Articles 270 and 271 (see above) regarding prostitution and brothels are three - seven years.

¶44. (SBU) (29E) Prostitution is not prohibited by law, although forced prostitution, prostitution connected to organized crime, and acts facilitating prostitution, such as operating a brothel or prostitution ring, are illegal. The minimum age of consent for a person to engage in prostitution is 16. The penalty for sexual relations with a person under 16 is punishable by up to five years in prison.

¶45. (SBU) (29E) To prevent prostitution and expose procuring, human trafficking, managing brothels, kidnapping, facilitation of prostitution or

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\* Missing Section 009 \*  
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off the record: 2 (0); Number of people convicted to date: 0.

d) Registered crimes under Article 270 (Facilitation of prostitution or recruitment of an individual into prostitution): Number of crimes on which criminal cases were prosecuted: 13 (10) 30% increase; Number of crimes registered: 8 (8) no change from 2005; Number of criminal cases investigated: 10 (2) 400% increase; of these 9 were sent to court, and 1 discontinued due to non-exonerative circumstances; Number of cases discontinued and taken off the record: 0 (2); Suspended: 2 (3); 33% decrease; Number of crimes that were discontinued due to expiration of statute of limitations: 0 (1); Number of people convicted to date: 5.

e) Registered crimes under Article 271 (Prostitution, operating brothels, procuring): Number of crimes on which criminal cases were prosecuted: 335 (336); 0.3% decrease; Number of crimes registered: 292 (305) 4.3% decrease; Number of criminal cases investigated: 278 (272) 2.2% increase; out of them 242 sent to court, and 36 discontinued due to non-exonerative circumstances; Number of cases discontinued and taken off the record: 17 (29); Suspended due to sickness: 2 (3); Suspended: 21 (18) 16.7% increase; Number of crimes that were discontinued due to expiration of statute of limitations: 11 (10); Number of people convicted to date: 158.

148. (SBU) (29G) Criminal gangs and small criminal groups engage in both labor and sexual exploitation trafficking. In sexual exploitation trafficking cases, the most commonly reported pattern involved small rings of traffickers spread between the source location and destination. Women were lured by promises of lucrative employment at restaurants, retail stores, or nightclubs. NGOs reported that agricultural labor trafficking victims were recruited in the source countries by locals who were paid by the Kazakhstani farm owner who will employ them. The traffickers were mainly young or middle-aged men and women who often run legal businesses. According to IOM, very often employment, travel, tourism agencies, or marriage agencies are fronting for traffickers or small crime groups to traffic individuals. Sometimes government officials were involved with trafficking especially when dealing with fraudulent documents and illegal border crossing.

149. (SBU) (29G) Law enforcement units regularly conducted inspections to check operations of agencies that advertise employment opportunities abroad for girls and women and organizations that help individuals obtain permanent residence permits in other countries. In 2006, joint law enforcement operations inspected 235 tour agents, 20 recruitment agencies, 15 agencies offering assistance in emigration, ten matrimonial agencies, six modeling agencies, and 102 agencies offering assistance in completing documents for travel abroad. The inspectors demanded and obtained client lists and focused on examining cases of 20-35 year-old women, as they are most likely targets for traffickers. There were no reports on where profits from trafficking were being channelled.

¶50. (SBU) (29H) The Government actively investigates cases of trafficking, especially in the last two years. However, during the reporting period, the government did not actively use all investigative techniques in trafficking investigations. According to local legislation, techniques such as electronic surveillance can be used. However, law enforcement officials reported that they often do not have enough funding to conduct these types of technical operations. Domestic law does not prohibit the police from engaging in covert operations but it requires that participation in such operations be strictly

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controlled by the PGO.

¶51. (SBU) (29I) The MVD provides regular training to police officers on techniques for investigating trafficking. In 2006 over 80 different events were arranged to increase legal awareness of officers of the MVD, to work with victims of trafficking, to execute the required procedural documents, and to study the best practices of foreign law enforcement agencies and social institutions. The MVD in cooperation with Post's INL office established an anti-TIP Study Center within the MVD Legal Academy in Karaganda.

¶52. (SBU) (29I) In 2006 the anti-TIP Study Center provided training to mid-career operations officers, investigators, and migration police officers of the MVD dealing with human trafficking. The Center together with Post's INL office is currently developing training plans and instruction material to support the training process. In future sessions, the Center will train personnel of the operations, investigative and administrative police services. The Government has expressed interest in using the Center to upgrade the professional qualifications of policemen from all Central Asian countries and using foreign experts to provide the training.

¶53. (SBU) (29J) The Government cooperates with other governments in the investigation of TIP crimes. An example of such cooperation is the Aktobe case (see para. 26). Kazakhstani law enforcement officers also conducted joint operations with counterparts from Russia, Kyrgyzstan, Uzbekistan, Tajikistan, and Turkmenistan. They conducted operations on prevention of illegal migration in the zones near the border.

¶54. (SBU) (29J) In 2006 five cases of trafficking in the UAE were investigated through the concerted efforts of the National Interpol Bureau and the Consular Service of the Kazakhstani MFA. In order to advance the Government's capability to prevent and combat illegal migration, 20 international treaties and agreements have been signed, both bilateral and multilateral. In 2006 Kazakhstan signed agreements on labor migrants and protection of rights of migrants with Tajikistan and Kyrgyzstan.

¶55. (SBU) (29J) Kazakhstan will shortly sign similar agreements with Qatar, Thailand, Poland, Czech Republic, and Hungary. Kazakhstan is reviewing draft treaties on rendering legal assistance and extradition, which potentially will be signed with Egypt, Israel, Saudi Arabia, United Arab Emirates and Latvia. Agreements are under discussion with France, Germany, Belgium, Greece, and Romania. Kazakhstan sent a similar draft agreement to the government of China for consideration. CIS member-countries have signed a Cooperation Treaty to control illicit migration and hazardous migration processes in the CIS, as well as to prevent illegal migration. A Task Force has revised and finalised the draft Agreement on Key Guidelines for CIS migrants, and it has been sent

to the CIS Executive Committee for review.

¶56. (SBU) (29K) The Government is forbidden under the constitution from extraditing its own citizens to face criminal charges abroad. However, the Government can try a citizen for a crime that occurred abroad based upon a criminal investigation undertaken by foreign authorities. The Government can extradite foreigners facing trafficking charges to another country for prosecution.

¶57. (SBU) (29L&M) There is evidence of complicity of local officials in trafficking, usually in the form of accepting bribes from traffickers. Although there is no evidence of conspiracy within the Border Guards and Migration Police to facilitate trafficking, press reports of individual officers accepting bribes are common. Corruption is a problem in Kazakhstan, and

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public opinion polls show that the Border Guards and Customs officials are perceived as the most corrupt law enforcement officials. Based on incidents of extortion and bribery, a number of criminal cases were initiated against 12 officers working in regional offices of the MOJ and Migration Police. A total of 20 officers and leaders of the Migration Police were disciplined for issuing illegitimate documents and failure to properly supervise subordinates.

¶58. (SBU) (29N) Kazakhstan does not have an identified child sex tourism problem, either as a source or destination country. Although the country's child sexual abuse laws currently do not have extraterritorial coverage, the Government is exploring options to strengthen its legal framework before child sex tourism becomes a problem.

¶59. (SBU) (29N) As a measure to prevent abuse of children, the PGO and the Ministry of Industry and Trade proposed an amendment to legislation regulating procedures for foreigners adopting orphans or children left without parental support. In the amendment, a new provision was added to the Matrimonial Act to limit the adoption of Kazakhstani children to foreigners who are nationals of the countries with which Kazakhstan has signed and ratified the international treaties providing protection of children and cooperation in the area of inter-country adoption.

¶60. (SBU) (29N) The Mazhilis (lower house of Parliament) is now discussing a bill drafted by the Government to accede to the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect to Inter-country Adoption. In addition, the Ministries of Education and Science, Foreign Affairs, Justice, and Internal Affairs adopted a joint order on the Efficient Exchange of Information on Children Adopted by Foreigners. The Ministry of Foreign Affairs also adopted an order on Approval of Instruction on Registering Kazakhstani Children Adopted by Foreigners. In January 2006, MFA amended the Registration Rules for Foreigners Willing to Adopt Kazakhstani Children. The amended Rules require that potential adoptive parents shall also submit documents showing whether they have conviction records and that officers of the consular department shall monitor the status of adopted Kazakhstani children. In January the Government passed a resolution stipulating that a Committee for the Protection of Children's Rights be established under the Ministry of Education and Science and that it should include a subdivision to deal with adoption issues.

¶61. (SBU) (29 N) In March, the press published

allegations of the involvement of the Juno Orphans? Relief Fund (Juno) in the trafficking of children. Both the PGO and Kazakhstani branches of Juno conducted investigations regarding Juno's compliance with legislation related to child adoption. The investigation showed that Juno facilitated the adoption of 122 Kazakhstani children by U.S. nationals and one child by a Belgian national. However, no evidence was found in either investigation that the Juno Fund had been involved in trafficking of children. However, given that the existing legislation is vague as to the activities of international agencies dealing with adoption of children, the PGO forwarded a letter to the Government suggesting the legal role of adoption agencies be clarified.

¶62. (SBU) (290)

a) The Government ratified ILO Convention 182, on the Elimination of the Worst Forms of Child Labor, on February 26, 2003. To implement this Convention in 2005 the Government began a three-year Program on elimination of the worst forms of child labor.

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Implementation continued in 2006. One of the priorities of the program was to study the commercial sexual exploitation of children, trafficking of minors, and the development of the methods of rehabilitation of minors engaged in prostitution and other anti-social activities.

b) ILO Convention 29 and 105 on forced or compulsory labor was ratified on May 18, 2001.

c) The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography was ratified on August 24, 2001.

d) The Government has signed but not ratified the UN Convention against Transnational Organized Crime. The Government has stated it plans to sign and to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons simultaneously with ratification of the underlying convention. Even though the Convention is not ratified, the amended Articles 128 and 133 of the Criminal Code fully meet the requirements of the Protocol.

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PROTECTION AND ASSISTANCE TO VICTIMS (PARA 30)  
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¶63. (SBU) (30A&C) Under the new TIP law, recognized trafficking victims are granted temporary residence status and relief from deportation to ensure their safe repatriation or participation in criminal proceeding against their traffickers. However, temporary residence is granted only after the criminal case is initiated and a person is recognized as a victim within this case. Local law enforcement has a mechanism to refer victims to crisis centers and shelters based on formal agreements with NGOs, which provide a range of legal and psychological assistance and arrange for medical care as needed. Repatriated Kazakhstani TIP victims are referred to TIP NGOs for assistance and support upon arrival in the country. Currently there are about 30 crisis centers for victims of domestic violence which are sometimes used for victims of trafficking. There are only two shelters specifically designated for trafficking victims. One is in Almaty and one in Shymkent; both are managed by NGOs under grants from USAID and other foreign donors. NGOs report that collocation of



victims of trafficking with victims of domestic violence resulted in negative attitude from the latter.

¶64. (SBU) (30B) The Government is discussing the idea of establishing a pilot Government-funded shelter for TIP victims in Almaty. The National Commission on Family and Gender Policy under the President of Kazakhstan, the National Center for Human Rights, the Ministry of Economy and Budget Planning, the Ministry of Justice, and the Ministry of Labor and Social Protection suggested that the shelter be created on the basis of the existing crisis centers, which have already been fully staffed, have skilled personnel, and have acquired certain experience. The National Center for Human Rights also suggested that the shelter for victims of trafficking be co-financed from the national budget, international organizations, and other off-budget sources.

¶65. (SBU) (30D) According to IOM, the rights of victims are generally respected. However, there were cases when victims were detained from a few days to a few weeks or months, or they were fined or deported. Victims were sometimes prosecuted for violations of immigration law. IOM has no reports of TIP victims being jailed in Kazakhstan. Law enforcement awareness of sexual exploitation trafficking has increased over the past several years, and NGOs report a general recognition of the victims' status by local law

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enforcement. Labor trafficking victims, on the other hand, are less likely to be identified as such. While there is recognition at the highest levels of the GOK that labor trafficking is an increasingly serious problem, awareness at the local working level of the factors distinguishing illegal labor migration and labor trafficking lags behind.

¶66. (SBU) (30E) The Government encourages victims to assist in the investigation and prosecution of trafficking. Victims may file civil suits or seek legal action against traffickers. TIP NGOs report that victims are often unwilling to cooperate with investigations, either for fear of reprisal by family members of the traffickers or from a not unrealistic hope that the trafficker will bribe the victim not to testify. NGOs report cases where law enforcement and procurators are suspected of taking bribes from traffickers. There are few legal tools that authorities can use to encourage victim cooperation. However, although it is not technically legal to do so, officials routinely promise victims immunity from immigration or criminal charges if the victim testifies against the trafficker. There is no victim restitution program.

¶67. (SBU) (30F) Under the Law on the State Protection of Persons Involved in Criminal Proceedings adopted in 2000, the government may offer a wide range of protection for crime victims and prosecution witnesses, including providing pre-trial safe houses and security services. Victim protection is to be provided by the MVD. Authorities may help a victim or a witness change residences, find another job, and change his or her physical appearance. In practice, local law enforcement lack sufficient financial and manpower resources to provide all of these services on a regular basis. Child victims are placed in juvenile justice detection centre for the investigation and trial period.

¶68. (SBU) (30G) As mentioned in paras 30 and 51, in addition to in-house training provided by the MVD to its officers, INL conducted two training sessions for

personnel from the Procuracy, Border Guards and judiciary. The program, conducted by IOM through a grant from INL, highlighted counter trafficking and protection of victims. Under another grant from INL, IOM conducted a liaison meeting of mid-level government officials from Kazakhstan and South Korea aimed at developing an open and free dialogue between source and destination countries, and to facilitate the return of trafficked victims. In addition, in October 2006 IOM and INL jointly conducted a round table discussion for mid-level government officials and NGO representatives from throughout Kazakhstan to discuss implementation of the new anti-TIP law adopted in March.

¶69. (SBU) (30H) In 2006 the MFA, as the implementer of the national program on "Financial Support to Kazakhstani Citizens Trafficked into Foreign Countries as Objects of Trade", received an appropriation of 12,920,000 tenge (about \$104,000) to provide financial support to Kazakhstanis trafficked to other countries, as well as to other crime victims and people in force majeure situations. When implementing this program, Kazakhstani institutions abroad rendered assistance costing 3,229,000 tenge (about \$26,000) to 60 Kazakhstani citizens.

¶70. (SBU) (30I) The lead international organization for trafficking issues in Kazakhstan is the International Organization for Migration, based in Almaty. In addition to serving as an implementing partner for USAID and INL, IOM works closely with the GOK and other international organizations interested in combating trafficking in persons. In addition, over the last year, the OSCE Center in Almaty has increased its anti-TIP programs and engagement with

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the GOK and with Post. The Union of Crisis Centers (UCC), a coalition of TIP NGO crisis centers and shelters across Kazakhstan, is one of the strongest local NGO networks in the country. In addition to providing victim assistance and protection services through the referral system mentioned above, UCC-member NGOs operate hotlines and conduct public information campaigns. The leaders of two UCC-member NGOs participated in interagency working group meetings, providing frank feedback and suggestions about GOK counter-TIP efforts, many of which were included in the new TIP Law.

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BEST PRACTICES  
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¶71. (SBU) Post would like to highlight the MVD's establishment of a regional anti-TIP law enforcement training center. Incorporating in-service training of mid-level officers into the MVD's flagship academic center is a significant step to improving the professional knowledge of police, changing attitudes of the police regarding trafficking as a crime, and improving the combating of trafficking in persons in the MVD. The Government's intention of taking the extra step to look at the Center as a possible regional training center shows vision that could result in regional cooperation to combat trafficking.

¶72. (SBU) Post officers and staff spent more than 150 hours compiling information and drafting this report. Pol-Econ, INL, USAID, and PAS offices contributed to this report. All of these offices cooperate in Post's efforts to combat TIP and collect information on TIP throughout the year. Post's point of contact on trafficking is Astana Political Officer Jeffrey Scott Waldo. He may be reached by phone at +7-3172-70-22-

96, or by fax at +7-3172-70-22-87. After hours, he may be reached by mobile phone at +7-777-232-9941.

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ADDITIONAL INFORMATION  
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¶73. In December 2006, USAID conducted a public opinion survey in 19 major cities in Kazakhstan to measure public awareness of TIP. The survey sample represents Kazakhstani citizens residing in cities with more than one hundred thousand people. The total survey sample represented 1200 respondents. 37.3% of them said they are aware of TIP cases in Kazakhstan involving Kazakhstanis; 30.2% are aware of TIP cases involving Kazakhstanis that happened abroad; 13.2% are aware of TIP cases involving foreign citizens in Kazakhstan; 26.4% were not aware of TIP problem; and 7.7% could not answer.

¶74. 36.3% of respondents thought that law enforcement agencies provided assistance to victims of trafficking in Kazakhstan; 23.3% thought assistance was provided by international organizations; 21% by special government institutions; 8.4% by civil society organizations; and 34.5% could not answer.

¶75. Out of 791 respondents, 97.2% knew that some job opportunities abroad could result in either forced labor or prostitution; 1.9% were not aware of this threat and 0.8% could not answer. Out of 769 respondents who are aware of fake jobs, 90.3% learned about this problem from TV channels; 53% from newspapers and magazines; 30.8% heard this information from acquaintances; 15.2% from the radio; and 4.1% from the internet.

¶76. Post's Public Affairs Section administered Democracy Commission provided the following grants:

a) to the Women's Support Center from Petropavlovsk, which conducted an information campaign in North

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Kazakhstan on the counter trafficking amendments to the Criminal Code and other legislation. The NGO conducted two seminars for 37 local social workers and teachers, four training sessions for 48 policemen, 50 Procurators, and 29 judges to enable them to put the new amendments into practice.

b) to the Bolashak NGO from Taraz, which conducted an anti-TIP information campaign including distribution of booklets with hotline info and meetings with target audience such as 500 youth and unemployed. The NGO also conducted 30 seminars in 10 rayons of Zhambyl oblast for 300 secondary school teachers, local government officials, journalists and 200 law-enforcement officials.

c) to the Union of Crisis Centers of Kazakhstan to create regular exchange of information on domestic violence and trafficking in persons through establishment of two electronic periodicals: the Electronic Bulletin (36 issues per year, 6 pages) on problems of domestic violence and the Electronic Bulletin (12 issues per year, six pages) on human trafficking. Bulletins are distributed to local government officials and police officers, members of Maslikhats (City Councils), officials representing the National Committee on Women and Family Affairs, local and international non-governmental organizations, and international organizations.

d) to the Phoenix Center for Development and Adaptation from Ust-Kamenogorsk to provide education

and services to 200 orphans in East Kazakhstan through 12 educational seminars on the dangers of trafficking in persons, violence, and conflict prevention; the creation of a trainer group of orphans, which will consist of 20 of the most active students; operation of a hotline telephone service as well as legal and psychological consultations for orphans; provision of basic computer and Internet awareness training; and production of brochures and pamphlets for general distribution.

e) to a Public Affairs Speaker program entitled "Specifics of Media Coverage of the Trafficking in Persons." A U.S. speaker discussed with local journalists and NGO members in Aktobe and Ust-Kamenogorsk how the media covers trafficking.

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